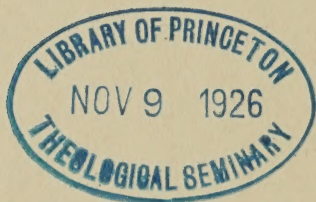


Christianity and Divorce



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CHRISTIANITY AND DIVORCE

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Christianity and Divorce

History presents no parallel of the effect of misinterpretation of language to the one in relation to divorce. For two thousand years misconstructions of the language of Moses and of Christ have very largely determined the customs and laws of the most highly civilized nations in respect to divorce. Christ sought to correct a misconception of the law of Moses that was productive of serious social evils. His statements were in their turn misconstrued. His remarks were so at variance with the then accepted belief in respect to what the law of Moses provided that they were taken as the utterance of a new law intended to displace the latter provisions.

Strangely, a potent cause in fastening this misconception of his expressions upon the minds of his followers appears to be certain expressions made during the perpetration of one of a number of overt acts

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of the most wicked conspiracy ever evolved in the disordered brains of men—the conspiracy of the Pharisees to accomplish the destruction of Christ. It was sought to use Christ's remarks as a basis of accusation that he was usurping authority to change the law of Moses. A reply made to the conspirators has been erroneously accepted as conclusive evidence that Christ did the very thing the Pharisees charged him with doing.

Christ did not oppose divorce authorized by law. He placed no limitations upon the grounds which the state may prescribe therefor. All that he did was to construe correctly the Mosaic law and, with an acumen of a profound lawyer, point out with exactness the effect of a pretended divorce not sanctioned by its provisions. The erroneous construction placed upon certain of Christ's expressions is largely responsible for the restrictions to be found in the laws of many Christian nations and states upon the subject of divorce.

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The late William Graham Sumner, for many years Professor of Political and Social Science in Yale University, in his article on "Modern Marriage," took occasion to say: "The man who introduced the word 'sacrament' into the Vulgate version created, with one drop of ink, a grievous load for millions of men who were to come after him." However true this statement may be, it may be said that another of Yale's great scholars and one time President—Dr. Theodore Dwight Woolsey—in his "Essay on Divorce," written a half century ago, added the weight of his high position and great attainments to confirming a now demonstrable misconstruction of the expressions of the Master in respect to divorce, and was among the many responsible for fastening on American states a misconstruction of Christ's sayings as vicious as it is erroneous.

It is difficult at best to use language so plain that its meaning may not be misunderstood. When it is considered that Christ's sayings were not attempted to be

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recorded until years after they were uttered, and then were translated into a language different from that of the spoken word, it is not surprising that expressions so recorded may be the occasion for a misconception of what the speaker actually said or intended to say. When it is considered, also, that the early interpreters of Christ's sayings were not conversant with the rules of construction which centuries of experience of courts have found to be most unerring in determining the true meaning of language employed, it is not surprising that material errors in interpretation have been made. It is more surprising that the wrong construction of the language of Christ in respect to divorce should not have been discovered and admitted long ago, unless there was a misguided purpose in adhering to the error.

If the generally accepted interpretation were correct, strong and convincing should be the reasons therefor. Fortunately, for society's ultimate welfare, no sound reason can be offered. However, with assurance,

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born of a superficial consideration, say those imbued with the false construction,—"Christ said, 'What, therefore, God hath joined together let not man put asunder.' " This expression is supposed to silence all questioning. A distinguished churchman recently wrote,—“There are no statements in Scripture couched in clearer form, and the words mean what they really do say.” The difficulty is they do not say what he thinks or says they say—"a divine prohibition of divorce." They do not say that the state may not do what Christ said the individual man had no right to do. Why give the word "man" in the expression a broader meaning than the word ordinarily signifies? To do so requires interpretation—interpretation must be based on reason. No reason can be offered for so doing while abundant is apparent for limiting the word to its plain meaning.

At the time of Christ, the individual man was assuming the right to put away his wife for any cause that suited his fancy, and he was claiming that in so doing he

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was authorized by the law of Moses. At the time Christ spoke, the law in respect to divorce was as grossly misconstrued, especially by the Pharisees, as some of Christ's expressions have been since his time.

The law of Moses did not authorize a husband by his voluntary act "to put away his wife for every cause," as was the then generally accepted construction of the Mosaic code. Such construction, however, was very popular with the male sex. His own disciples even were so imbued with the false teaching that when Christ declared the true meaning of the law, they said: "If it be so with a man and his wife, then it is not good to marry" (Matt. XIX, 10). Think of it—his own disciples holding to the view that a wife's position was of so little moment in the general social order that if the husband could not divorce her by his independent and uncontrolled act, at his own sweet will and for any cause that suited his fancy, then a man had better never marry. That Christ should anathe-

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matize such a wicked perversion, not only of the law of Moses but of sound morals, was only natural and Christ-like.

The law of Moses, as will hereafter be shown, authorized a husband to put away his wife by his own independent act for one cause only. It did not say, however, that for other causes he might not appeal to the state. Under the theory of the Mosaic law the judges spoke in the name of God. Governments to this day are based on the theory that they are so ordained. Both sacred and profane history supports this view. No more forceful expression relative to the province of the state, as distinguished from the individual, can be found than in the instruction given by Moses to the Judges: "Ye shall not respect persons in judgment, but ye shall hear the small as well as the great; ye shall not be afraid of the face of man, for the judgment is God's" (Deut. I, 17; see also 2 Chr. XIX, 6). "By me kings reign and princes decree justice," says Proverbs VIII, 15. "For there is no

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power but of God; the powers that be are ordained of God" (Rom. XIII, 1).

There is precedent in the Scriptures for divorce proceedings under the authority of the state. In the Book of Ezra we find it recorded: (Chap. X) "Now, therefore, let us make a covenant with our God to put away all the wives, and such as are born of them . . . and let it be done according to the law. And Ezra the priest, with certain chiefs of the fathers, . . . sat down in the first day of the tenth month to examine the matter. And they made an end with all the men that had taken strange wives by the first day of the first month." Here was the greatest divorce trial of history. Months were consumed in the hearings, and a whole community was involved. The wishes of the individuals affected were secondary to the purpose of the state that the marriages be dissolved and they were dissolved "according to law."

Because the beautiful Queen Vashti refused to obey the command of King Ahasuerus to appear before him and be-

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cause of the fear that her example of independence, unless rebuked, would have a bad effect on wives generally, “so that they shall despise their husbands in their eyes,” upon the advice of the seven princes of Persia and Media she was divorced “according to law.” Then went forth a public proclamation that “all wives shall give to their husbands honor both to great and small” (Esther I).

In attempting to support the “divine prohibition” construction, the words “what therefore” in the Master’s expression, have been taken to mean—whosoever may be joined in what the state recognizes as a legal marriage. The expression,—“What therefore God hath joined together let not man put asunder”—must not only be considered in connection with the entire context of Christ’s remarks upon the subject, but also in view of the circumstances which occasioned it. It is a portion of a reply made by Christ to a question propounded to him by the Pharisees. It is important also to note, as an aid to correct

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interpretation, the ulterior purpose of the inquiry which was well understood by Christ, and which accounts largely, if not entirely, for the character of reply.

In the century immediately preceding the advent of Christ, the correct construction of the law of Moses in respect to divorce had been in controversy. Rabbi Hillel, High Priest and President of the Sanhedrim, the supreme judicial tribunal of the Jews, had given to certain words in the Mosaic code, expressing the ground for divorce, an ultra liberal construction and interpreted the law to permit a husband to divorce his wife for very trivial causes—"every cause," as the Pharisees expressed it in propounding the question to Christ hereinafter referred to. While the Hillel construction was generally accepted as the correct one, doubtless both because of its liberality and the great power of its proponent, it was controverted by another Rabbi named Shammai, also a member of the Sanhedrim. Hillel was of the Pharisee sect; Shammai was a Scribe. While the influence and following

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of Shammai was slight in comparison with that of Hillel, he was the better lawyer of the two, and his construction of the Mosaic code as limiting the right of a husband, by his individual act and without appeal to a court, to put away his wife only for an act of marital impropriety akin to adultery, was unquestionably correct. The law of Moses, being a written code, there is no difficulty in now determining its construction. The Hillel construction was not merely ultra liberal, it was wholly unwarranted. Its effect was to cause many husbands to assume a power the law did not give them and in its application permitted the grossest of injustice and cruelty.

At the time of Christ, the Hillel construction was accepted as the law of Moses in respect to divorce. Its extreme liberality made it popular with the menfolk. Its abuses and the cruelties it inflicted did not disturb the public mind of that time until Christ proclaimed the law as it was written by Moses.

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Having in mind the accepted erroneous construction of the Mosaic law, one other circumstance is important to consider in determining the all important question—did Christ intend to utter a new law on Divorce or simply correctly interpret the existing law and point out the effect of its violation?

One of the most wicked conspiracies of all history is that which the Pharisees entered into to accomplish the death of Christ. One of the methods adopted to gain their purpose was to accuse Christ of repudiating both the Jewish and Roman laws and setting up instead laws of his own. In effect, to charge him with treason. They “took counsel of the Herodians against him, how they might destroy him” (Mark III, 6). They sought to “provoke him to speak of many things; lying wait for him and seeking to catch something out of his mouth, that they might accuse him” (Luke XI, 53, 54; John VIII, 6), or “that so they might deliver him into the power and authority of the governor” (Luke XX, 20),

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their purpose being "to destroy him" (Matt. XII, 14; Mark XI, 18; Luke XIX, 47).

It was with this purpose in view that they "brought unto him a woman" and said—"This woman was taken in adultery—Moses in the law commanded us that such should be stoned; but what sayest thou?" Here was a test of tests. Christ, however, did not answer—"No, she shall not be stoned, I bring a new law"—but instead replied: "He that is without sin among you, let him first cast a stone at her" (John VIII, 3). This statement did not deny the law. The hypocritical Pharisees, not expecting a reply of this kind and disappointed in their real purpose, suddenly lost all interest in inflicting the punishment upon the unfortunate woman and slunk away.

With the same purpose in mind, the Pharisees propounded the question—"Is it lawful to give tribute unto Caesar or not?" Note their cunning in asking this question. If the answer were "yes" he could be ac-

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cused of disloyalty to Moses and the Jewish people. If the answer were "no," they could make a similar charge before their Roman conquerors. In their zeal, however, they overlooked the fact that the money of the realm was Roman. "But Jesus perceived their wickedness and said: 'Why tempt ye me, ye hypocrites? Show me the tribute money.' " They admitted it bore the image of Caesar. "Render, therefore, unto Caesar the things that are Caesar's and unto God the things that are God's" (Matt. XXII, 21) was an answer which again defeated them in their purpose. Notwithstanding this answer, however, they thereafter falsely accused Christ of "forbidding to give tribute to Caesar" (Luke XXIII, 2).

Doubtless it was because Christ knew of the purpose of the Pharisees that he said to his disciples: "Think not that I have come to destroy the law or the prophets—I have not come to destroy but to fulfill" (Matt. V, 17). This statement is wholly inconsistent with any idea that Christ was

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seeking to substitute laws of his own in place of the existing code. To the Pharisees Christ is recorded as saying: "Did not Moses give you the law, and yet none of you keepeth the law? Why go ye about to kill me?" (John VII, 19). Christ at no time sought to substitute laws of his own in place of those of the Mosaic code. Had he pursued that course we would expect to find him changing the laws respecting slavery, polygamy, concubinage and numerous others. He knew that before statutes could be changed, a change would first have to occur in the hearts and minds of men. He knew that when the golden rule and his commandment "that ye love one another" should be accepted, statutes would change to conform.

"Is it lawful for a man to put away his wife for every cause?" (Matt. XIX, 3) was the blunt question put by the Pharisees to Christ. The Scriptures say they asked the question "tempting him" (Mark V, 2). Why did they wish to tempt him? Manifestly to have him make the same statement

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that they doubtless had heard he had made to his disciples that they might "accuse him" of repudiating the Mosaic law, as they believed it to be. What chance, thought the Pharisees, would Christ have to answer the charge of disloyalty when the great Hillel was against him and popular male sentiment was overwhelming for the liberal construction?

Christ first replied to the Pharisees precisely in the same general way that he did in other cases where their purpose in questioning him was the same. The Pharisees claimed to be strict observers of the law and believers in the writings and traditions of the Old Testament. Instead of immediately giving a direct answer to these Pharisees, whom he had likened unto "whitened sepulchres," he propounded the counter question which he knew would put them to confusion—"Have ye not read that He which made them at the beginning made them male and female?" Christ immediately followed this question by quoting the words attributed to Adam in the second

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chapter of Genesis, after Eve had been made from his rib—"For this cause shall a man leave father and mother, and shall cleave to his wife and they twain shall be one flesh." Then followed the statement: "Wherefore, they are no more twain but one flesh. What therefore, God hath joined together let not man put asunder" (Matt. XIX, 5, 6).

The tables were now turned on the Pharisees. Christ was the interrogator and no matter how they answered the question they were defeated. They could not deny the Scriptures without stultifying their professions of faith. They did the only thing they could do—tried to reverse the situation again by propounding the further question to Christ—"Why did Moses then command to give a writing of divorcement, and to put her away?" (Id. 7). The answer, according to St. Matthew, was: "Moses, because of the hardness of your hearts, suffered you to put away your wives; but from the beginning it was not so" (Id. 8). According to St. Mark, the answer was: "For

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the hardness of your hearts he wrote you this precept'' (Mark X, 5). No reference appears at all in St. Luke of an answer or statement of this kind having been made by Christ. It is very probable that on account of the lapse of years which occurred before St. Matthew or St. Mark undertook to record the sayings of Christ, they were subject to the same defects of memory which is common to all humans.

It will be observed that St. Matthew does not quote Christ as saying that Moses wrote such a law because of the hardness of their hearts, but rather that he suffered them to disregard it. There is convincing evidence that neither St. Matthew nor St. Mark remembered the precise language of Christ in this particular case or else that they confused it with some other expression. There were no Pharisees in the time of Moses and hence neither could a law have been written for their benefit nor could they have been suffered to violate a written statute. But more impressive than this is the character of Moses himself. He was

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not the man to write a law for the convenience of any particular class nor to temporize enforcement. The place of Moses among the few really great of the earth is not dimmed by special favors to the hard hearted. The man who had the courage to slay the Egyptian oppressor of one of his people would not temporize for the accommodation of the unworthy. It is, of course, inconceivable that Christ so spoke as to put Moses in such a wrong light. Upon the contrary, Christ is recorded as fearlessly closing his remarks to the Pharisees with the same statement of what the law was that he had previously made to his disciples (Matt. XIX, 9). The fact that St. Luke, who wrote later than either St. Matthew or St. Mark and had the benefit of their gospels, omitted any reference to this latter statement as having been made by Christ, indicates that he may have noticed the error.

The asserted "divine prohibition" construction finds its basis in what the words "What, therefore" relate to. They refer to

the allegorical legend of the creation as it appears in the second chapter of Genesis—
 “And the Lord caused a deep sleep to fall upon Adam, and he slept; and he took one of his ribs, and closed up the flesh instead thereof. And the rib which the Lord God had taken from man made he a woman and brought her unto the man. *And Adam said,* this is now bone of my bone, and flesh of my flesh. . . . Therefore shall a man leave his father and his mother, and shall cleave unto his wife and they shall be one flesh” (Gen. II, 21-24).

It is no longer dangerous heresy to say that the Biblical story of the creation is not literally true. Science has unfolded the true story which reveals the glory, power and omnipotence of God to a degree incomparably greater than that attempted to be portrayed by the poetical genius who conceived the legend of the Garden of Eden. When it is considered that great solar systems exist hundreds of light years distant from this little planet of ours, all moving in perfect harmony pursuant to

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natural law, how impotent is man even now to pen an adequate description of the creation. Christ knew that the accounts of the creation were merely allegorical. He was particular not to say they were to be taken as literal truth, but instead only asked the Pharisees if they had not read them—they professing at least to believe them. It cannot be conceived that Christ intended to base a fundamental law upon so unstable a foundation. The unknown author of the legend of the Garden of Eden and the creation of Adam and Eve was particular to incorporate in his account conclusive evidence of its legendary character. The nations of Assyria and Ethiopia were in existence when the legend was written and are mentioned by name. The Euphrates River was known and the land of Havilah is described “where there is gold, bedellium and the onyx stone.” Unnumbered centuries had elapsed from “the beginning” before mankind had developed in the slow progress towards civilization to the stage when language had been perfected;

appreciation acquired of the value of gold for money or ornament; the onyx stone to adorn man's palaces and peoples to have become organized into nations. The transcriber of the legend, that of necessity had its origin in imagination and had come down through the centuries, did not assume to say that God said that marriage made the parties thereto "one flesh." At most the expression is but imaginary words put in the mouth of a mythical man by an unknown author.

If we discard reason, accept fiction for truth, and fetter our minds with literal interpretation, what results? Because Eve was made from Adam's rib she became bone of his bone and flesh of his flesh. "*Therefore*, shall a man—cleave unto his wife and they shall be one flesh." To put it more clearly: Because the legendary first woman was made from the rib of the legendary first man, all men and women who thereafter marry become of one flesh. If, therefore, the rib story fails the "one flesh" corollary, which is the basis of the

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asserted "divine prohibition" fails with it.

If sanctity at all is to be given to the legendary accounts of the creation, then the account in the first chapter of Genesis wherein man and woman were created at the same time—"male and female created he them"—is entitled to equal consideration, and it has the added charm of what we conceive of divinity—fairness and justice. "Clearly," said the Rev. John White Chadwick, "the legend of Eve, if not the Genesis narration, is dominated by a spirit of hostility towards womankind." This "hostility" later appears in 1 Timothy II, 11-15, wherein it is written: "Let the women learn in silence with all subjection . . . for Adam was first formed, then Eve, and Adam was not deceived, but the woman being deceived was in the transgression." There is not a recorded expression of Christ to the effect that he held woman to be an inferior being.

While the "one flesh" conception of marriage rests only in an allegorical legend, it may be accepted as true and that

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marriage constitutes a joining together by God and that man may not put the same asunder, yet that does not even imply that the state may not dissolve the union without violating divine command. The injunction applying to man specifically operates to exclude the power of the state from the inhibition. That is in accordance with a fundamental rule of construction.

The construers of Christ's expressions upon divorce appear never to have taken into account the law of Moses upon the subject or else have accepted the Hillel interpretation as expressing the Mosaic law. For illustration, Dr. Theodore Dwight Woolsey, in his "Essay on Divorce," heretofore referred to, says that Christ "criticises a provision of the Mosaic law, and taxes it with imperfection." Continuing, the learned Doctor further says: "His interest is moral, his views are general and human, not Jewish and Mosaical. . . . What then does he (Christ) lay down? His rules may be all comprised in the following propositions: First: that the man

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who in conformity with the permission or sufferance of the law puts away his wife by a bill of divorcement—‘saving for the cause of fornication’—and marries another commits adultery. Second: that the man who thus puts away his wife causes her to commit adultery. Third: that the man who marries her who has thus been put away commits adultery. Fourth: that the woman who puts away her husband and is married to another commits adultery.”

Here we have one of the greatest scholars of his time giving a perfectly correct interpretation of the effect of the law of Moses without knowing that he was so doing; calling it a new law laid down by Christ and saying that Christ criticised the Mosaic law and taxed it with imperfection. The only mistake he made in a correct construction of the law of Moses was in his expression “permission or sufferance of the law.” There was no permission or sufferance of the law except in the case of the one specific cause therein named.

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The following is the Mosaic law on the subject of divorce as the translation from the original Hebrew appears in modern Bibles:

“When a man hath taken a wife and married her and it come to pass that she find no favor in his eyes, because he hath found some uncleanness in her, then let him write her a bill of divorcement, and give it in her hand, and send her out of his house. And when she is departed out of his house she may go and be another man’s wife” (Deut. XXIV, 1).

The expressions of Christ, as they appear in St. Matthew’s Gospel, read:

“It hath been said, ‘Whosoever shall put away his wife let him give her a writing of divorcement.’ But I say unto you, that whosoever shall put away his wife save for the cause of fornication, causeth her to commit adultery and whosoever shall marry her that is divorced committeth adultery. . . . Whosoever shall put away his wife except for the cause of fornication

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and shall marry another, committeth adultery" (Matt. V, 31, 32; XIX, 9).

If, as will hereafter be shown, the words used by Moses and translated "unclean-ness" and the word or expression used by Christ and translated "fornication" mean the same thing, namely, some act or conduct akin to or indicating adultery,—then it follows as a necessary conclusion that Christ instead of promulgating a new moral law simply correctly construed the Mosaic code and precisely stated the effect of its violation. The conclusion follows for the reason that if a modern court were construing a similar law, it would declare that if a husband gave his wife a bill of divorce-ment for any other cause than that prescribed in the statute, and such husband should thereafter marry another wife, and such wife should thereafter marry another husband, all the parties to such subsequent marriages would commit adultery for the reason the original divorce would be void.

Precisely the same result would now

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follow if a court of one of our states, New York for example, which permits an absolute divorce only for adultery, should nevertheless assume to grant a divorce to either of the spouses for a ground like cruelty or desertion, and the parties to such proceedings would thereafter marry other persons. The decree of divorce being void because the court was without jurisdiction to enter it, the parties would remain married, notwithstanding the decree. The subsequent marriages would likewise be void and all the parties thereto would commit adultery because there had been in fact no valid divorce.

It becomes important then to determine just what the Mosaic code provided. The word "uncleanness" used in the translation, is erroneous. If the word meaning uncleanness, as that word appears frequently throughout the Mosaic law, had been used, then a husband could divorce his wife for a great number of trivial but innocent causes, even including that of motherhood itself, for the wife was "un-

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clean" for a certain period following childbirth (Lev. XII). Such a law would be so unjust that it is inconceivable that Moses would have ever become a party to it.

What is given as a more literal translation of the Hebrew words "erwath dabar" used by Moses in the law in question is "nakedness" or "matter of nakedness." The words are so translated in numerous passages in the Old Testament where it is clear that the meaning is conduct indicating incest or adultery (Lev. XVIII, 6-19; XX, 12, 17-21; Ezek. XVI, 36).

For example, and an interesting illustration, it is written:

"Thou shalt not uncover the nakedness of thy brother's wife—it is thy brother's nakedness" (Lev. XVIII, 16).

It was because John the Baptist, referring to this provision of the Mosaic law, said to Herod: "It is not lawful for thee to have her"—meaning Herodias, "his brother Philip's wife," that his head was made the price of his fearless indiscretion (Matt. XIV, 3, 4, 11). The late Rev. S. R.

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Driver in the Brown-Driver-Briggs Lexicon says of these words: "chiefly euphemistic for cohabitation; implying shameful exposure."

When we come to the word appearing in St. Matthew's gospel as the exception to the rule against allowing a husband to put away his wife, usually translated "fornication," we find almost as much controversy over its true meaning as in the case of the words used by Moses. The difference of opinion appears to be whether the word should be deemed the equivalent of adultery or deemed to include immoral conduct of both a greater and less degree than usually comprehended in the word adultery.

In arriving at a proper construction of the language of Christ it should be borne in mind that Christ spoke in Aramaic and not in Greek. St. Matthew writing in the latter language had to find a word that would as nearly as possible express the meaning of the Aramaic word or words used by Christ. This is a task not always easy because of the varying shades of

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meaning which words take on. The choice of the word "fornication" in the translation of Christ's remarks is as unfortunate as the use of the word "uncleanness" in the translation of the law of Moses. Fornication is an offense of an unmarried woman only. It is manifest that a word meaning fornication in its strict sense was not used by Christ.

Harmonizing the expressions used by Moses and by Christ, concerning the ground for divorce, one is impressed by the fact that neither used the word meaning adultery as expressing the ground for divorce. Had the Mosaic code used a word meaning adultery and Christ had done likewise, there could be no room for argument that Christ in his address to his disciples did nothing more than correctly construe the Mosaic law. The fact remains, however, that the words employed by both Moses and Christ expressed the same thing—conduct akin to or indicating adultery.

There is an apparent and substantial reason why the word "adultery" was not

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used in the Mosaic law. Adultery was punishable by death. The death penalty, however, could only be inflicted upon the testimony of two and preferably three witnesses (Deut. XVII, 6; XIX, 15; John VIII, 17. 2 Cor. XIII, 1). It is only reasonable to assume that in the matter of divorce the law would not require so high a degree of proof as in the case where the death penalty was inflicted. The law, therefore, gave to the husband the power to "put away" a wife for conduct indicating to his satisfaction that adultery, possibly or probably, had been committed. The judgment of the husband was not deemed conclusive, for the wife so put away was permitted "to go and be another man's wife." Once having been put away, her former husband could never remarry her. The basis of this latter provision doubtless was intended to deter action upon mere suspicious circumstances.

Christ used the expression: "It hath been said, whosoever shall put away his wife, let him give her a writing of divorce-

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ment," etc. It is important to bear in mind that the Mosaic law made no such broad statement. It is also worthy of note that Christ did not say that such was the statement "of them of old time" as he did when he referred to the commandments—"Thou shalt not kill" and "Thou shalt not commit adultery" (Matt. V, 21, 27). It was not "them of old time" who said a man could put away his wife "for every cause," but it was the followers of the Pharisee Hillel who were so saying in the time of Christ and teaching that such was the law of Moses.

From a consideration of all the facts and circumstances essential to be considered in connection with the expressions of Christ upon the subject of divorce, the conclusion follows that Christ had no intention of making any expression in conflict with the existing Mosaic Code. Upon the contrary, his purpose was to declare the law as it existed and point out the effect of its violation. Certain of his expressions to the Pharisees clearly had in view the double

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purpose of defeating them in their endeavor to find a basis of accusation against him, and at the same time making an appeal to their intelligence that the construction of the law they contended for was inconsistent with their own professions of belief in respect to other portions of the Scriptures.

That an erroneous construction of Christ's remarks upon divorce have been generally accepted for so many centuries is largely due to certain expressions appearing in the Epistles of St. Paul. In First Corinthians VI, appears this expression: "Know ye not that he which is joined to a harlot is one body? For two, saith he, shall be one flesh." There is no recorded expression of the Master that can be tortured into any possible construction that illicit intercourse of the sexes constituted the guilty parties "one flesh." St. Paul failed to note that Christ only asked the Pharisees if they had not read the language attributed to Adam that marriage constituted the parties thereto "one flesh"

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and did not himself confirm that statement as a physical fact. Carried to its logical conclusion this statement of St. Paul destroys the beautiful symbolism of the "one flesh" conception of true marriage. The Mosaic code, as it existed and as interpreted by Christ, recognized that adultery authorized the dissolution of the marital relation. This statement of St. Paul resolves the "one flesh" idea to a basis of carnal knowledge that could multiply itself indefinitely. The great debt which the world owes to St. Paul for his incomparable work in the spread of Christianity will be the better paid if it is frankly admitted that in his great zeal for a supreme cause he was still human and subject to error.

In his Epistle to the Romans VII, 1-3, is found this expression: "Know ye not brethren (for I speak to them that know the law) how that the law hath dominion over a man as long as he liveth? For the woman which hath a husband is bound by the law to her husband so long as he liveth; but if the husband be dead, she is loosed

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from the law of her husband. So then, if while her husband liveth she be married to another man, she shall be called an adulteress; but if her husband be dead, she is free from that law, so that she is no adulteress, though she be married to another man.”

St. Paul is here assuming to speak of the law. Later in the same Epistle he says: “Moses described the righteousness which is of the law.” Whether he was assuming to give the law of Moses or interpreting the expressions of Christ in respect to divorce, his statement, without material modification, is clearly erroneous. Both the law of Moses and the statement of Christ expressed one cause for which a husband could by his own act put away his wife and if she married again she would not become an adulteress, though the very cause for putting away comprehended the possible or even probable commission of the offense of adultery. St. Paul also failed to take into consideration the power of the state

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speaking through its judges, which Moses declared was the judgment of God.

The expressions of St. Paul in reference to divorce not only reflect a misunderstanding of Christ's remarks upon the subject, but it would seem that they may also reflect somewhat the peculiar personal views of the great evangelist in respect to marriage and the place of women in society. St. Paul was a Pharisee and his conversion to Christianity did not change entirely his prejudices in a number of particulars. Concerning marriage he wrote: "I would that all men were even as I myself. . . . I say, therefore, to the unmarried and widows, it is good for them if they abide even as I. . . . He that giveth her in marriage doeth well; but he that giveth her not in marriage doeth better" (1 Cor. VII). Concerning his idea of the subordination of woman to man, among other similar expressions, he wrote: "Let your women keep silence in the churches, for it is not permitted unto them to speak; but they are commanded to be under obedience

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as also saith the law. And if they will learn anything, let them ask their husbands at home, for it is a shame for women to speak in the church." It is needless to say that these expressions are not in keeping with modern Christian civilization.

The limitation of divorce to the one ground of adultery, upon the mistaken assumption that such was the teaching of Christ, has been the cause of more misery in the world than is possible for the human mind to conceive. There is no cruelty more lingering, nor slavery more galling, than the consciousness that one is linked for life in the closest of all human relationships to another whom the mind can only contemplate with deepest abhorrence.

Such misinterpretation has placed innumerable thousands, who have had legally dissolved an unfortunate union for causes other than the one erroneously said to be alone sanctioned by Christ, and who thereafter have contracted a happy union, in the position of living in adultery according to asserted divine law. Worse than all, pos-

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sibly, it amounts to saying that marriages which violate the laws of God written in the eternal Book of Nature; which shock the human conception of what the marital relation should be, the issue of which, in some instances, can only be defective beings, burdens to themselves and to society, may not be dissolved without violating divine command. Under a proper interpretation of Christ's words, it ought rather to be regarded as blasphemy to say that God joined together the parties to such unions.

Divorce may be abused as the rite or right of marriage oftentimes has been and doubtless will continue to be abused. To say that many legal marriages are but travesties is but to say what every one knows to be true. To say that the dissolution of such misalliances is harmful to society is like saying that the surgeon's knife is essentially a baneful instrument.

St. Paul gave the admonition: "Husbands love your wives, and be not bitter against them." But what of the wives whose husbands failed to regard that ad-

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monition? In Proverbs it is written: "A foolish son is the calamity of his father and the contentions of a wife are a continual dropping. It is better to dwell in the wilderness than with a contentious and angry woman." The father's calamity oftentimes becomes an even greater calamity to a good wife.

Christ did not declare a doctrine so unreasonable that a husband's only alternative was the wilderness for relief from a "continual dropping" that in time wears out the spirit; nor that a wife must endure the bitterness of a cruel husband with no other hope of relief but the grave. St. Paul also wrote: "He that loveth his wife loveth himself, for no man ever yet hated his own flesh" (Eph. V, 28, 29). But men do sometimes grow to hate their wives, and, if that be so, then it must be that they cease to be of their own flesh.

Christ well knew the debasing position that was the common lot of the women of his time, due in part to the misinterpretation of the law respecting the power of the

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husband to put away his wife "for every cause." His statement of what the law was and his effort to reach the mind of the Pharisees who were not only its chief offenders but were the main stumbling block in the way of the spread of his new covenant, ought not forever to be construed to mean that one spouse must suffer barbarous cruelties at the hands of the other without hope of relief except in defiance of him who was the embodiment of love, truth and justice.

Christ made no utterance susceptible of a construction to the effect that civilized society, represented in the state and acknowledging the supremacy of God, might not dissolve the union of a man and a woman when such union by the action of one or both of the spouses becomes intolerable, and its existence a travesty upon the marital relation. To construe such an intent into the words used by the Master not only does violence to the rules of construction which the wisdom of centuries have found most certain to determine the true

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intent of the law maker, but contravenes the very spirit of Christ's teachings generally. The basis of true marriage is love, mutual respect, helpfulness and forbearance. When a union becomes one of intolerable cruelties, neglect, debasing association or a condition of master and slave, the law may declare dissolved what has already ceased to exist, if it ever had existence, in fact, without violating the teachings of Christ.

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